IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

OP.No. 17026 of 1999(B)

PETITIONERS:
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1. A. ABDUL RASHEED, POST VELLOOR,KANNUR 670 340.

2. K.N.MOHAMMED KUNHI, KAYYALATH HOUSE, PANDIKADAVU, CHERUPUZHA, PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.P.C.CHACKO(SR.)
SRI.ROY CHACKO
SRI.P.S.GEORGE
SRI.M.SASINDRAN
SRI.S.JAMAL

RESPONDENTS:
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1. THE STATE OF KERALA, REP.BY THE CHIEF SECRETARY TO GOVERNMENT , SECRETARIAT, TRIVANDRUM.

2. THE KERALA STATE WAKF BOARD, REP.BY THE EXECUTIVE OFFICER, PARAMARA ROAD, ERNAKULAM.

3. THE DY.SUPERINTENDENT OF POLICE, TALIPARAMBA, KANNUR.

4. THE TAHSILDAR, TALIPARAMBA, KANNUR.

5. THE KARAKKAD MUSLIM JAMA MASJID, CHERUPUZHA, KANNUR DISTRICT PIN. 670 511, REP.BY ITS SECRETARY AND PRESIDENT.

BY ADV. SRI.A.A.ABUL HASSAN, SC, WAKF BOARD
SRI.M.A.FAYAZ
GOVERNMENT PLEADER SRI.MOHAMED PUZHAKKARA
SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.17026/1999

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DT. 19.5.98.

EXT.P2:- COPY OF THE NOTE ISSUED BY THE 2ND RESPONDENT DT. NIL.

EXT.P3:- COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DT. 16.6.98.

EXT.P4:- COPY OF THE LETTER GIVEN TO S.I. OF POLICE DT. 5.4.99.

EXT.P5:- COPY OF THE NEWS PAPER REPORT APPEARD IN MATHRUBHUMI DAILY DT. 6.4.99.

EXT.P6:- COPY OF THE REPRESENTATION DT. 25.6.99 FILED BY PETITIONERS.

/TRUE COPY/

P.S. TO JUDGE

tss

KURIAN JOSEPH, J.

O.P. No. 17026 of 1999

Dated this the 22nd day of November, 2007

JUDGMENT

The writ petition is filed mainly with the following prayer:-

> "2. Issue a writ of mandamus directing respondents 1 and 2 to direct the 5th respondent to ensure that every member of the Muslim residing within the limits of 5th respondent are permitted to bury the dead body of the deceased in the burial ground attached to the 5th respondent."

Learned counsel appearing for the 5th respondent submits that the said respondent has no objection in burying dead body of the members in accordance with the bye-laws of the Mahal. In view of the submission as above, in case the petitioners have still any grievance left, they may approach the second respondent in which case appropriate action in accordance with law in the matter will be taken by the second respondent.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.No.17026 of 1999

JUDGMENT

22nd November, 2007